

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

IN RE: NAVIDEA BIOPHARMACEUTICALS  
LITIGATION

Case No.: 1:19-cv-01578-VEC

**ORAL ARGUMENT REQUESTED**

**NOTICE OF MOTION OF PLAINTIFF/COUNTERCLAIM DEFENDANT NAVIDEA  
BIOPHARMACEUTICALS, INC.'S MOTION FOR RECONSIDERATION OF THE  
COURT'S OPINION AND ORDER DATED AUGUST 24, 2020**

PLEASE TAKE NOTICE that upon the accompanying Declaration of Barry M. Kazan, Memorandum of Law and all pleadings and proceedings previously held herein, the undersigned counsel for Counterclaim-Defendant Navidea Biopharmaceuticals, Inc. ("Navidea") will move this Court before the Honorable Valerie E. Caproni at the United States Court House, 40 Foley Square, Courtroom 443, New York, N.Y. 10007-1312 at a time and date to be set by the Court for an Order granting Navidea's motion for reconsideration of the Court's Opinion and Order dated August 24, 2020 pursuant to Federal Rule of Civil Procedure 54(b) and for such other and further relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that any opposing affidavits and answering memoranda of law must be served on or before September 3, 2021, and any reply affidavits and memoranda of law must be served on or before September 24, 2021.

Date: August 6, 2021  
New York, New York

Respectfully submitted,



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Barry M. Kazan, Esq.  
Mintz & Gold LLP  
600 Third Avenue, 25<sup>th</sup> Floor  
New York, New York 10016  
Phone: (212) 696-4848  
Fax: (212) 696-1231  
kazan@mintzandgold.com

-and-

Karim Sabbidine, Esq.  
THOMPSON HINE LLP  
335 Madison Avenue, 12th Fl.  
New York, New York 10017  
Phone: (212) 344-3921  
Fax: (212) 344-6101  
karim.sabbidine@thompsonhine.com

-and-

Alain M. Baudry, Esq.  
Saul Ewing Arnstein & Lehr LLP  
33 South Sixth Street, Suite 4750  
Minneapolis, Minnesota 55402  
Phone: (612) 225-2800  
Alain.Baudry@Saul.com

*Attorneys for Plaintiff /Counterclaim Defendant  
Navidea Biopharmaceuticals, Inc. and  
Third-Party Defendant  
Macrophage Therapeutics, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that on August 6, 2021, I caused to be served on counsel of record, electronically via the Court's electronic filing system, a true and correct copy of **Notice of Motion of Plaintiff/Counterclaim-Defendant Navidea Biopharmaceuticals, Inc.'s for Reconsideration of the Court's Opinion and Order dated August 24, 2020.**



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Barry M. Kazan